

**TOWN OF DAVIE
REGULAR MEETING
DECEMBER 6, 2006**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, and Councilmembers Caletka, Paula and Starkey. Also present were Town Administrator Shimun, Town Attorney Kiar, and Town Administrator Clerk recording the meeting. Vice-Mayor Crowley was absent.

Councilmember Paul spoke of Bob Amchir, founder of the "Toys in the Sun" toy run, who had passed away recently, and asked residents to honor his memory by making a donation to the Davie Police Department's toy fund. Councilmember Paul read a poem in Mr. Amchir's memory.

3. OPEN PUBLIC MEETING

Dan Pignato asked Council to name an equestrian trail or park for Councilmember Paul and previous Councilmember Kathy Cox for all of their efforts to keep Davie an equestrian town. Mr. Pignato urged Council to give the firefighters a contract. He endorsed Vice-Mayor Crowley for re-election.

Lisa Hubert announced that the District 1 Humanitarian Program was still in effect, in partnership with Hollywood Hills High School Cheerleaders, and Davie United Methodist. She invited Councilmember Caletka to meet the steering committees and help create and deliver the food packages on December 16th.

Joe Piccolo, Davie firefighter, reminded Council of his request for action on the firefighters' contract four months ago, and said he felt let down by their inaction. He said the lack of respect he had received caused him to seek employment elsewhere.

Robert Belizaire spoke on behalf of the Davie firefighters as well. He echoed Mr. Piccolo's remarks and said 40 of their firefighters had sought employment with other departments.

Councilmember Starkey asked Mr. Shimun to explain the status of the contract negotiations. Mayor Truex assured Mr. Belizaire that Council wanted this matter resolved.

Philip Busey, 837 SW 20 Way, delivered a holiday greeting from State Representative Martin Kiar. He also invited residents to contact Mr. Kiar.

Marlon Luis announced his candidacy for Town Council representing District 4 when Councilmember Paul retired.

Lloyd Phillips, 14220 SW 29 Court, was angry because of problems with a neighbor and claimed that his dogs had been poisoned. He berated Council for not acting to remedy this problem. Mr. Cohen said he had asked staff members to investigate this situation but could not report on the status right now. Mayor Truex said he had been informed that these allegations had been investigated thoroughly.

John LaDue asked Council to reconsider his request for a variance. Mayor Truex reminded Mr. LaDue that this was not the proper forum for a dialog, but said he understood Mr. LaDue's position but did not agree with it. Councilmember Starkey remembered that Mr. LaDue had requested five variances, four of which had been granted. She encouraged Mr. LaDue to work with the Central Broward Drainage District on the easement issue, and reminded him that there were alternatives to installing the high fence on the scenic corridor. Councilmember Starkey advised Mr. LaDue to resolve his issues in an amicable way, in compliance with the Town's Code.

Councilmember Paul remembered that staff had erroneously issued Mr. LaDue a permit, and he had actually purchased materials and then been told that he could not erect the fence. Councilmember Paul felt they were not being consistent in their handling of cases in which Town staff made a mistake.

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Doris Monier, 5305 SW 48 Street, was proud of helping to preserve Sunny Lake, but was concerned that once their bonds were paid, the property would not be protected from development. She asked Council to convert the development rights into a conservation easement in perpetuity.

John Pisula, 2933 SW 136 Avenue, thanked Council for their efforts in the Toys for Tots program. He announced that the toy giveaway would be held on December 17th and the holiday tree lighting on December 10th.

Mayor Truex welcomed Mr. Shimun to his first Town Council meeting.

Mayor Truex noted that staff had indicated item 4.18 would be withdrawn, and asked the applicant if he wished to say something. He asked Planning and Zoning Manager Bruce Dell to explain the status of the item.

Mr. Dell advised that the applicant had indicated he was reworking the plans to address the issues brought up at meetings with staff, but had not subsequently contacted staff or submitted the revised drawings. Mr. Dell said that staff had contacted the architect, who indicated he was no longer working with the applicant on this project. Mayor Truex asked the applicant why the item should not be withdrawn.

George Deeb, applicant, said he and his architect had tried to work with staff, but “every time we come up with something, they come up with something else.” Councilmember Caletka remarked that the item had been tabled ten times and Mr. Deeb had plenty of times to meet staff’s suggestions. He felt the item should be withdrawn.

Councilmember Caletka made a motion, seconded by Mayor Truex, to withdraw. In a roll call vote, the vote was as follows: Mayor Truex -yes; Vice-Mayor Crowley - absent; Councilmember Caletka - yes; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3-1)

Mayor Truex announced that the applicant for item 4.20 had requested it be tabled to January 17, 2007.

Councilmember Starkey made a motion, seconded by Councilmember Caletka, to table item 4.20 to January 17, 2007. In a voice vote, with Vice-Mayor Crowley being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex announced that the petitioner for item 6.5 had requested that it be tabled to December 20, 2006.

Councilmember Starkey made a motion, seconded by Councilmember Caletka, to table item 6.5 to December 20, 2006. In a voice vote, with Vice-Mayor Crowley being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex announced that the petitioner for item 6.6 had requested that it be tabled to February 7, 2007.

Councilmember Starkey made a motion, seconded by Mayor Truex, to table.

Councilmember Paul wondered if there might be another motive to that request, because, “I know we are anxious to go to the Water District prior to site plan, but going before a land use amendment is very unusual.”

In a voice vote, with Vice-Mayor Crowley being absent, and Councilmember Paul dissenting, all voted in favor. (Motion carried 3-1)

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4. APPROVAL OF CONSENT AGENDA

Minutes

4.1. October 14, 2006 (Special Meeting)

Proclamation

4.2. Rick Case Bikes for Kids Day (December 6, 2006)

Resolutions

- 4.3. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING
R-2006-300 THE MAYOR TO EXECUTE THE CDBG SUB-RECIPIENT GRANT AGREEMENT
WITH THE HOPE OUTREACH CENTER, INC., TO PROVIDE SOCIAL
SERVICES/EMERGENCY ASSISTANCE TO DAVIE'S LOWER-INCOME
FAMILIES AND INDIVIDUALS. (\$33,957)
- 4.4. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-301 APPROVING THE ESTABLISHMENT OF A MUNICIPAL NOW ACCOUNT AT
SUNTRUST, AUTHORIZING EXECUTION OF THE REQUIRED ACCOUNT
AGREEMENT AND RELATED SIGNATURE FORMS, AND PROVIDING AN
EFFECTIVE DATE
- 4.5. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2006-302 APPROVING A SERVICE AGREEMENT WITH THE FIRM OF DOVER KOHL &
PARTNERS FOR PROFESSIONAL SERVICES TO REFINE AND IMPLEMENT
THE TOWN OF DAVIE, FLORIDA DOWNTOWN MASTER PLAN; AND
AUTHORIZING THE MAYOR TO ACKNOWLEDGE SUCH APPROVAL BY
AFFIXING HIS SIGNATURE TO SAID RESOLUTION; AND PROVIDING FOR AN
EFFECTIVE DATE. (\$17,650)
- 4.6. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-303 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT
BETWEEN REBUILDING TOGETHER BROWARD COUNTY, INC. AND THE
TOWN OF DAVIE FOR THE RENTAL OF THE BERGERON RODEO GROUNDS
FOR A BUILDERS DECATHLON EVENT. (\$1,000 arena rental)
- 4.7. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-304 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT
BETWEEN FLORIDA GAY RODEO ASSOCIATION AND THE TOWN OF DAVIE
TO LEASE THE BERGERON RODEO GROUNDS FOR A RODEO. (\$2,250 arena
rental)
- 4.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-305 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT
BETWEEN THE OBEDIENCE TRAINING CLUB OF PALM BEACH COUNTY FOR
THE RENTAL OF THE BERGERON RODEO GROUNDS FOR DOG OBEDIENCE
COMPETITION. (\$2,200 arena rental)

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- 4.9. **SELECTION OF FIRM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-306 SELECTING THE FIRM OF TOBY'S CONCESSION SERVICES, INC. TO
PROVIDE CONCESSIONAIRE SERVICES AT PINE ISLAND PARK AND
AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO
NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 4.10. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
R-2006-307 BID FOR TWO FOUR INCH (4") TRAILER MOUNTED SEWAGE PUMPS FROM
POWER AND PUMPS, INC. (Power and Pumps, Inc. - \$56,718)
- 4.11. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
R2-006-308 BID FROM LENOVO, INC. FOR THE PURCHASE OF LAPTOP COMPUTERS AND
PROTECTION PLAN, PORT REPLICATORS, AND MONITOR STANDS. (not to
exceed \$118,000)
- 4.12. **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-3006-309 APPROVING THE EXPENDITURE OF LAW ENFORCEMENT TRUST FUNDS
NOT TO EXCEED \$14,000.00 FOR THE PURCHASE OF DIGITAL RECORDERS
AND TRANSCRIPTION SOFTWARE TO ENHANCE TECHNOLOGY IN THE
CRIMINAL INVESTIGATIONS UNIT OF THE TOWN OF DAVIE POLICE
DEPARTMENT.
- 4.13. **SETTLEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-310 AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT CONTAINED IN
THE ACKNOWLEDGMENT AND HOLD HARMLESS AGREEMENT THAT WAS
REACHED AS A RESULT OF COURT ORDERED MEDIATION IN THE
DECLARATORY JUDGMENT ACTION FILED BY CHRISTOPHER AND SUZAYN
YAP AGAINST THE TOWN OF DAVIE.
- 4.14. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2006-311 FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE
TOWN AND COLMEX USA GROUP INC., D/B/A ONE PRICE DRY CLEANING
FOR CLEANING AND LAUNDERING SERVICES FOR THE POLICE AND FIRE-
RESCUE DEPARTMENT UNIFORMS. (\$52,000/police; \$26,109.20/fire)
- 4.15. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2006-312 FLORIDA, ALLOWING A TIME EXTENSION TO LEIGH ROBINSON KERR,
MILLER LEGG AND CALVIN GIORDANO OF THE COST RECOVERY
CONSULTANTS FOR A PERIOD NOT TO EXCEED NINETY DAYS AND
AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO EXTEND
THE CURRENT AGREEMENTS FOR SUCH SERVICES.

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- 4.16. **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "LIVE OAK ESTATES" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.** (P 12-1-05, Live Oak Estates, 15250 SW 20 Street) *Planning and Zoning Board recommended approval*
- 4.17. **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "GRIFFIN LANDMARK" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.** (P 12-2-05, Griffin Landmark Building, generally located east of the Turnpike on the north side of Griffin Road) *Planning and Zoning Board recommended approval subject to the planning report*

Quasi-Judicial Consent Agenda

- 4.18. **STAFF REQUESTING ITEM TO BE WITHDRAWN**
SP 10-2-04, Dunkin Donuts Restaurant, 3884 SW 64 Avenue (B-2) (tabled from September 20, 2006) *Site Plan Committee recommended denial because the Committee was of the opinion that the Town would never accomplish what it expected of the downtown if it continued to approve parcel-by-parcel items which did not meet the intent of the Western Theme. The Committee decided on an addendum to its recommendation that the following comments be implemented into the site plan should the Council decide to reverse the Committee's recommendation to deny: 1) address the covered walkway on the north side of the building to be extended the entire length and that the east side of the building was totally barren; 2) the pavers at the corner are to match the current pattern; 3) look at the handicapped space location do to slope into the building; 4) bike racks are missing; 5) the Committee did not like the signage colors; and 6) parking arrangement has a dead end, no outlet parking area which does not work*
- 4.19. SP 12-5-05, Griffin Landmark Building, generally located east of the Turnpike on the north side of Griffin Road (Griffin Corridor District - Griffin Commerce Zone 4) *Site Plan Committee recommended approval based on the planning report along with the five wavers and subject to 23 comments: 1) try to get DOT to allow pavers along Griffin Road verses the concrete walk; 2) that the crosswalks across the main entry be done in pavers; 3) that there be paver sidewalks for the interior of the site; 4) that the lift station have a five-foot fence and landscaping around it; 5) move the loading space and increase the size for moving vans adjacent to the ramp to the parking in back at the northeast corner of the building subject to Engineering's approval; 6) at the north parking lot, at the angular turning radius, move the trees to allow a "visibility area" for that tight turn; 7) add two stop signs at the south entry to the parking garage and at the adjacent parking field intersection; 8) increase the exit area outside the elevator lobbies and parking, and add bollards; 9) readdress the photometric plan because several areas are too low, it should not be less than one-foot candles and should be two-foot candles against the building; 10) look at the AD access to the building from the street; 11) on sheet A-101, show the projection of the retail above; 12) on the building fenestrations, add some sort of a build out on the ends that replicate the color changes in the building*

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as well as – pull the elevator lobby out to create a separate element and try to duplicate something similar to that on the opposite side (the Griffin Road side) of the building above the retail space; 13) look at the end stair tower which is facing the turn at Griffin Road, to try to make some sort of an element which is less utilitarian; 14) note that there is no useable area under the raised roof elements; 15) the landscaping plans go back to staff for review and to review the areas around the base of the building to determine if there is sufficient area for the landscaping as shown; 16) pay particular attention to the tightness of the area as shown and see that the appropriate materials are placed in that area; 17) the Committee questions the use of Italian Cypress along the lake side and Griffin Road as to whether this counted towards canopy trees; 18) look at adding building lights at the entrance and some decorative lighting to accent the building; 19) look at possibly adding concrete tree rings around the Royal Palms on Griffin Road; 20) see if DOT allows pushing the sidewalk towards the building and having the landscaping near the curb along Griffin Road; 21) add a toilet at the retail area; 22) add windows to the retail space plan on the floor plan to replicate what was done on the elevation; and 23) provide a color board

- 4.20. SP 6-1-06, Hidden Hollow - II, corner of SW 49 Street and SW 66 Terrace (RM-10) *Site Plan Committee recommended approval*

Mayor Truex pulled item 4.2 from the Consent Agenda. Councilmember Caletka pulled items 4.1, 4.13, 4.17 and 4.19. Councilmember Paul pulled items 4.10 and 4.16.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda minus items 4.1, 4.2, 4.10, 4.13, 4.16, 4.17, & 4.19. In a voice vote, with Vice-Mayor Crowley being absent, all voted in favor. (Motion carried 4-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.1 Councilmember Caletka explained that at the October 14th special meeting, he had actually asked Mr. Kelly about his firing process [not his hiring process, as indicated.]

Councilmember Starkey indicated that on page four, the phrase “obtaining an MBA” should be “obtaining a doctorate.”

Councilmember Caletka made a motion, seconded by Councilmember Paul, to approve the minutes as amended. In a voice vote, with Vice-Mayor Crowley being absent, all voted in favor. (Motion carried 4-0)

4.2 Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve the proclamation. In a voice vote, with Vice-Mayor Crowley being absent, all voted in favor. (Motion carried 4-0)

Councilmember Starkey read the proclamation. Mayor Truex thanked Mr. and Ms. Case for their work. Rick Case thanked Council for their help over the years on this project.

4.10 Councilmember Paul asked if this would fall under the category of a project they could recommend for possible state funding, and if they should discuss it at the Monday workshop.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to pass this. In a voice vote, with Vice-Mayor Crowley being absent, all voted in favor. (Motion carried 4-0)

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4.13 Councilmember Caletka said he had pulled this item because he wished to vote against it.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Vice-Mayor Crowley being absent, and Councilmember Caletka dissenting, all voted in favor. (Motion carried 3-1)

4.16 Councilmember Paul said she had pulled this item because she wished to vote against it. She said the boundary plat indicated water retention easements, which she opposed.

Gus Aguirre, representing the applicant, said they had done exactly what the Town wanted. He explained that the dry retention area drainage easement was not included as part of the lots, but that parcel "B" would handle the dry retention area. Councilmember Paul was opposed to dry retention, with Mr. Aguirre responding that dry retention was required.

Councilmember Starkey said Council was concerned that the dry retention was on the lot. Mr. Aguirre reiterated that parcel "B" was separate. Town Engineer Larry Peters confirmed that this complied with the Town's Code.

Councilmember Paul had questions regarding the width of the access point. Mr. Aguirre explained that there was the driveway width, plus a Code-required sight triangle. Councilmember Paul asked why a sidewalk was needed when there was already a sidewalk on the other side of 20th Street. Mr. Aguirre said this was a Town requirement and was included internally, in front of lots one and two. Mayor Truex stated that when the site plan came in for approval, they could ask that the sidewalk be removed.

Councilmember Paul said staff had not done as she had requested and notified her of this project in her district. Councilmember Starkey confirmed with staff that this item had been included on the "blue sheets" Council members received for review. Regarding the dry retention, Councilmember Paul said that as long as it was to be a separate area, it should be a pond. She confirmed for Councilmember Starkey that she was concerned it would eventually be filled in. Councilmember Paul said she had hoped that staff would have taken the initiative to make Code changes to resolve these drainage issues. She was disturbed by the history of property owners filling in the drainage areas, resulting in flooding of nearby streets and neighboring properties. Mayor Truex felt it was not so much a Code issue as an enforcement issue.

Mr. Aguirre said he would gladly change this to a water retention area with a small lake. He thought the site plan would come before Council within 60 days. Councilmember Starkey noted that percolation over a broader area was a better way to ensure water quality than a deep pit that might allow water to stagnate. She wanted to be sure that the drainage met Central Broward Water Drainage District's water quality standards before it came back, and to have Vice-Mayor Crowley's district examine this.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve with the condition that it goes to Central Broward prior to coming back to Council to ensure that it met water quality standards and drainage. In a voice vote, Councilmember Paul and Councilmember Caletka dissented and Mayor Truex and Councilmember Starkey approved with Councilmember Crowley absent. (Motion tied 2-2)

Mayor Truex stated per Town Charter, the item was automatically tabled to December 20, 2006.

Mr. Aguirre said he would now need to go through Broward County with a completely new plat process and this could take six months.

4.17, 4.19, 6.3 and 6.4 Councilmember Caletka said he had pulled item 4.17 and item 4.19 so they could be heard with 6.3 and 6.4.

Dennis Mele, representative of the applicant, agreed to have all four items heard together.

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Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Dell summarized the planning reports.

Councilmember Caletka asked Mr. Dell if the adjacent residents were notified of the public meetings on this item. Mr. Dell said the adjacent multiple-unit senior living facility had been notified, but not the properties across the turnpike.

Mr. Mele reported that this issue had already been approved by the Central Broward Water Control District, the Site Plan Committee and the Planning and Zoning Board. He confirmed that no members of the public had attended the citizen participation meetings.

Mr. Mele referred to an aerial photo and described nearby properties. He noted that the wet retention area would have an easement to the Central Broward Water Control District to prevent it from ever being filled in. He described the project and mentioned they had entered into an agreement with the housing authority regarding the landscaping adjacent to a shared wall.

Mr. Mele said the design met the requirements of the 441 charette and transit-oriented corridor land use. He explained that the use of flex units was permitted due to the project's inclusion of both residential and non-residential units in the same building. Mr. Mele presented a rendering of the building that reflected the changes requested by the Site Plan Committee except the walkway features on Griffin Road, for which they must first meet with the Department of Transportation (DOT) to request permission. He reminded Council that once the transit-oriented corridor went into effect, the 24 flex units would then be a permitted residential use.

Councilmember Caletka asked the price of the condominium units. Mr. Mele explained that there were 4 one-bedroom units priced in the low \$200,000 range and 20 two-bedroom units priced in the upper \$200,000 range. Councilmember Caletka said that the senior center had requested a pedestrian crossing area and Mr. Mele stated that this would be discussed when the applicant met with DOT. He thought that without a signal, DOT did not want to encourage pedestrian crossings on a six-lane road. Mr. Mele said they had been working with their neighbors on this and other matters, and would agree to install a crosswalk if DOT approved it.

Mr. Dell asked Mr. Mele if they would commit to dedicating 15% of the units to affordable housing. Mr. Mele said he thought the "prices that we're at, I think, are in the range that would be in those numbers." He felt the prices were "below the level that would qualify as workforce housing." Mr. Dell said the price for affordable/workforce housing set by the Housing Department was \$196,000.

Director of Housing and Community Development Shirley Taylor-Prakelt said she had reviewed the project and provided the Development Review Committee with comments strongly encouraging that the project meet the 15% affordability requirement, the price range of which was \$196,000 to \$229,000. Mayor Truex calculated that based on 24 units, 4 units should be designated affordable. Ms. Taylor-Prakelt agreed to work with Mr. Mele to determine which units could be designated affordable. Mr. Mele agreed to provide a total of four units, without specifying one-bedroom or two-bedroom.

Councilmember Starkey asked about sound mitigation in anticipation of the airport's possible runway extension. Mr. Mele said they had sound attenuation materials incorporated into the building design. Councilmember Starkey asked if Mr. Mele had investigated the possibility of accessing the canal via a gate. Mr. Mele replied that because the canal was bounded by the Turnpike and 441, the canal right-of-way could be accessed through the parking lot.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Council disclosed communications they had regarding this item.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve item 4.17: the plat. Mayor Truex remarked that this was an excellent design. In a voice vote, with Vice-Mayor Crowley being absent, all voted in favor. (Motion carried 4-0)

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Councilmember Starkey made a motion, seconded by Councilmember Caletka, to approve item 6.3 - the Code amendment. Councilmember Paul asked if the petitioner had written the Code change and Mr. Dell informed her that he had. In a roll call vote, the vote was as follows: Mayor Truex -yes; Vice-Mayor Crowley - absent; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-0)

Councilmember Starkey made a motion, seconded by Councilmember Caletka, to approve item 6.4 - the flex zone use. In a roll call vote, the vote was as follows: Mayor Truex -yes; Vice-Mayor Crowley - absent; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-0)

6. PUBLIC HEARING

Ordinance - Second and Final Reading

- 2006-27 6.1. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE V, DIVISION 1, SECTION 2-73 BY CREATING A PRESERVATION BOARD WITHIN THE UNITED RANCHES AREA FOR WHICH ALL APPLICATIONS FOR ZONING CHANGES WITHIN THE UNITED RANCHES SHALL COME BEFORE FOR RECOMMENDATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on First Reading November 15, 2006 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Toby Perkins, 5220 SW 109 Avenue, said she was in favor of the amendment.

Mayor Truex closed the public hearing.

Mr. Kiar said he had sent Council a memo clarifying the wording regarding the appointments.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex -yes; Vice-Mayor Crowley - absent; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-0)

Ordinances - First Reading (Second and Final Reading to be held December 20, 2006)

- 6.2. **PENSION PLAN AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE RETIREMENT PLAN AND TRUST FOR THE MANAGEMENT AND GENERAL EMPLOYEES OF THE TOWN OF DAVIE TO ADMIT AS MEMBERS OF THE PLAN GENERAL EMPLOYEES REPRESENTED BY THE FRATERNAL ORDER OF POLICE; PROVIDING FOR PUBLICATION; PROVIDING FOR REPEAL OF CONFLICTING SECTION IN PRIOR ORDINANCES; PROVIDING AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on the ordinance on December 20, 2006.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Budget and Finance Director William Underwood reported that this was a housekeeping item, updating new group members and clarifying some language. Councilmember Caletka said he was not comfortable voting on this item and requested that it be tabled. Councilmember Starkey clarified that the

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union had already agreed to this in their contract. Mr. Cohen confirmed that this was a condition of their contract.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex -yes; Vice-Mayor Crowley - absent; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-0)

- 6.3. **CODE AMENDMENT** - AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE, FLORIDA, BY AMENDING SECTION 12-32.304 – PERMITTED, RESTRICTED AND PROHIBITED USES OF THE GRIFFIN CORRIDOR DISTRICT BY AMENDING THE PERMITTED USES IN THE GRIFFIN COMMERCE ZONE 4 DISTRICT TO ALLOW RESIDENTIAL USES, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (ZB(TXT) 12-1-05, The Spear Group/Griffin Landmark, LLC, generally located east of the Turnpike on the north side of Griffin Road) *Planning and Zoning Board recommended approval*

This item was approved earlier in the meeting.

Resolution

- 6.4. **FLEX ALLOCATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ALLOCATION OF RESIDENTIAL FLEXIBILITY UNITS TO THE “GRIFFIN LANDMARK” PLAT; AND PROVIDING FOR AN EFFECTIVE DATE. (FX 5-1-06, The Spear Group/Griffin Landmark, LLC, generally located east of the Turnpike on the north side of Griffin Road) *Planning and Zoning Board recommended approval*

This item was approved earlier in the meeting.

Items to be tabled

- 6.5. **PETITIONER REQUESTING A TABLING TO DECEMBER 20, 2006**
AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM MH-10, MOBILE HOME DISTRICT TO RM-10, MEDIUM DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-2-04, Colonnade Construction Group/Ponderosa Development, Inc., 4701 and 4631 SW 73 Avenue)

This item was tabled earlier in the meeting.

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6.6. PETITIONER REQUESTING A TABLING TO FEBRUARY 7, 2007

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL THE APPLICATION LA 05-02, CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN LANDS FROM: "RESIDENTIAL ONE DWELLING UNIT PER ACRE", TO "COMMERCIAL"; AND AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY ADDING POLICY GROUP 28 RELATING TO DEVELOPMENT WITH DIRECT ACCESS OFF A LIMITED HIGHWAY"; PROVIDING FOR INCLUSION, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. (LA 05-02, Laystrom/Carroll, SW 26 Street and Shotgun Road)

This item was tabled earlier in the meeting.

7. APPOINTMENTS

7.1. Mayor Truex

7.1.1. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

7.1.2. Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

7.1.3. United Ranches Preservation Board (one-exclusive appointment - member shall reside in the United Ranches area; term expires December 2008)

Mayor Truex appointed Caroline Gill.

7.1.4. Water and Environmental Advisory Board (one exclusive appointment; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

7.1.5. Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.2. Vice-Mayor Crowley

7.2.1. United Ranches Preservation Board (one-exclusive appointment - member shall reside in the United Ranches area; term expires December 2008)

No appointment was made.

7.3. Councilmember Caletka

7.3.1. United Ranches Preservation Board (one-exclusive appointment - member shall reside in the United Ranches area; term expires December 2008)

No appointment was made.

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- 7.4. Councilmember Paul
- 7.4.1. Open Space Advisory Committee (one exclusive appointment; term expires April 2008)
- Councilmember Paul appointed Alan Mersack.
- 7.4.2. United Ranches Preservation Board (one-exclusive appointment - member shall reside in the United Ranches area; term expires December 2008)
- Councilmember Paul appointed Toby Perkins.
- 7.5. Councilmember Starkey
- 7.5.1. Parks and Recreation Advisory Board Agency (two exclusive appointments per Councilmember; terms expire April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)
- Councilmember Starkey appointed Stu Weinstein.
- 7.5.2. United Ranches Preservation Board (one-exclusive appointment - member shall reside in the United Ranches area; term expires December 2008)
- Councilmember Starkey appointed Ben Wesley.
- 7.6. Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)
- No appointments were made.

8. OLD BUSINESS

No old business was discussed.

9. NEW BUSINESS

9.1. B & R Development

Mr. Dell explained that the project was approved on October 19, 2005 for a two-story, 19,000 square foot professional building, and the Planning and Zoning Division had finalized the plans on February 6, 2006. The applicant was requesting that their extension date of six months be counted from the Planning and Zoning Division's plan finalization date, instead of Council's approval date. Mr. Kiar confirmed that this would be at Council's discretion, since it was a policy decision. Mayor Truex noted that the applicant had met with him a number of times and had acted in good faith.

Councilmember Starkey asked if there was any substantial change between Council's approval and Planning and Zoning approval. If so, she wanted the opportunity to review and approve it, and the extension date could then be calculated from the date Council re-affirmed it.

Mayor Truex said they had originally requested some cosmetic changes to make the project design more "Florida vernacular" and the applicant had done this. Councilmember Starkey thought the changes should be brought back to Council to confirm that the proper changes had been made.

Ron Barr, the project architect, explained that they had met with Mayor Truex to address his design suggestions after receiving Council approval, and then submitted the design to staff for their final approval. Councilmember Starkey reiterated that she wanted to make it a practice to reaffirm projects that were revised at Council's request, and to start counting the project deadline from that date.

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Mayor Truex asked that the item be put on their next meeting's Consent Agenda and asked Mr. Barr to bring his renderings.

9.2. Rescheduling of July 4, 2007 Town Council Meeting

Mayor Truex reminded Council that they must select a different date for the meeting. Council discussed options and decided to meet on July 18th and 26th.

Councilmember Caletka made a motion, seconded by Councilmember Starkey, to move the July 4, 2007 meeting to July 26, 2007. In a voice vote, with Vice-Mayor Crowley being absent, all voted in favor. (Motion carried 4-0)

10. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER CALETKA

VICE-MAYOR CROWLEY. Councilmember Caletka made a motion, seconded by Councilmember Starkey, to excuse Vice-Mayor Crowley. In a voice vote, with Vice-Mayor Crowley being absent, all voted in favor. (Motion carried 4-0)

HAPPY HOLIDAYS. Councilmember Caletka wished the residents a happy holiday season.

PHILLIPS PROPERTY. Councilmember Caletka was sure staff would provide him with any existing reports, and wanted to help Mr. Phillips, if possible. Councilmember Starkey advised Councilmember Caletka to obtain police reports and Mr. Cohen's reports to better understand the situation.

COUNCILMEMBER STARKEY

FOREST RIDGE HOLLY DAY PARADE. Councilmember Starkey reported that the event had been very successful. She thanked the parade committee and Chair Kitty Presiosi for their efforts.

POLICE ANNUAL CHAPLAIN'S BREAKFAST. Councilmember Starkey reported she had attended this event, and thanked the Police Department.

BROWARD DAYS LEGISLATIVE ISSUES. Councilmember Starkey distributed a copy of last year's legislative program.

WASTE MAP. Councilmember Starkey stated that the map distributed by Waste Management describing the bulk pickup schedule had not included part of United Ranches and asked that these addresses be sent a special mailing.

HAPPY HOLIDAYS. Councilmember Starkey wished everyone happy holidays.

COUNCILMEMBER PAUL

HORSE CROSSING ORDINANCE. Councilmember Paul said that the Open Space Advisory Committee had been working on a recommendation and asked for an update on this issue.

DRIFTWOOD MIDDLE SCHOOL. Councilmember Paul congratulated the School for receiving an "Ag in the Classroom" grant. She noted that this would tie them into the Farm Park. She added that Cindy Griffin had worked very hard with this program.

RETIREMENT. Councilmember Paul said she realized it was time to do some things for herself she had neglected and enjoy life. She offered her continuing service to help with the Farm Park. Councilmember Paul thanked everyone who had called to thank her for her service.

HAPPY HOLIDAYS. Councilmember Paul wished everyone happy holidays.

RUN IN THE SUN TOY RUN. Councilmember Paul reminded everyone of the "Run in the Sun" toy run on Sunday. She thanked David Amchir, who had taken over as organizer of the event.

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MAYOR TRUEX

REDISTRICTING. At the next Council meeting, Mayor Truex asked that someone address the impact redistricting would have on the open space bond.

CONSERVATION EASEMENT. Mayor Truex asked for more information on conservation easement for the Town's park properties and asked that the Land Trust present information on this matter.

RESIDENT COMMENT. Mayor Truex agreed to yield the rest of his time to a resident who had arrived too late to speak during the Open Public Meeting portion of the meeting.

Deborah Adder, resident of Black Hawk Reserve, stated, "It appears that Regency Homes, under the direction of the City of Sunrise, was forced to raise my water meter. Unbeknownst to me...they raised my water meter. In the process, they broke a pipe. There was no plumber on site, and they contaminated my water with PVC cement and something else." Ms. Adder said she had used the water for quite some time and she and two other family members were sickened by it. She described her medical ordeal and said she had been forced to move into a motor home parked on her property, which violated Town Code. Ms. Adder said that a Regency Homes builder and boardmember had reported her to the Town and had appeared before the Special Magistrate. She now needed a special permit for the motor home costing approximately \$1,000, which she could not afford. Under ADA rules, Ms. Adder asked Council to approve waiving the special permit fee until the problem was resolved.

Mr. Kiar felt he needed to research this regarding the proper federal statutes. Mr. Cohen agreed to present information and options to Council at their next meeting, and said Ms. Adder's Special Magistrate appearance could be delayed to allow Council to make their determination.

11. TOWN ADMINISTRATOR'S COMMENTS

Mr. Shimun thanked Council for giving him the opportunity to serve as Town Administrator

12. TOWN ATTORNEY'S COMMENTS

WELCOME. Mr. Kiar welcomed Mr. Shimun as Town Administrator.

HAPPY HOLIDAYS. Mr. Kiar wished everyone happy holidays.

18TH STREET MEDIAN LITIGATION. Mayor Truex asked Mr. Kiar for an update on the 18th Street median litigation. Mr. Kiar explained that management had moved to file an amended complaint. Mr. Kiar had filed opposition to that motion.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:07 p.m.

Approved _____

Mayor/Councilmember

Town Clerk